

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Sections 3-5 and 3-6 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General Limitations.

8 (a) A prosecution may be commenced at any time for:

9 (1) first degree murder, attempt to commit first
10 degree murder, second degree murder, involuntary
11 manslaughter, reckless homicide, leaving the scene of a
12 motor vehicle accident involving death or personal
13 injuries under Section 11-401 of the Illinois Vehicle Code,
14 failing to give information and render aid under Section
15 11-403 of the Illinois Vehicle Code, concealment of
16 homicidal death, treason, arson, residential arson,
17 aggravated arson, forgery, child pornography under
18 paragraph (1) of subsection (a) of Section 11-20.1,
19 aggravated child pornography under paragraph (1) of
20 subsection (a) of Section 11-20.1B; ~~or~~

21 (1.5) any of the following offenses under this Code,
22 when the victim is under 18 years of age at the time of the
23 offense:

1 (i) involuntary servitude under subsection (b) of
2 Section 10-9;

3 (ii) involuntary sexual servitude of a minor under
4 subsection (c) of Section 10-9;

5 (iii) trafficking in persons under subsection (d)
6 of Section 10-9;

7 (iv) indecent solicitation of a child under
8 Section 11-6;

9 (v) indecent solicitation of an adult under
10 Section 11-6.5;

11 (vi) sexual exploitation of a child under Section
12 11-9.1;

13 (vii) permitting sexual abuse of a child under
14 Section 11-9.1A;

15 (viii) failure to report sexual abuse of a child
16 under Section 11-9.1B;

17 (ix) custodial sexual misconduct under Section
18 11-9.2;

19 (x) sexual misconduct with a person with a
20 disability under Section 11-9.5;

21 (xi) sexual relations within families under
22 Section 11-11;

23 (xii) solicitation of a sexual act under Section
24 11-14.1;

25 (xiii) promoting prostitution under Section
26 11-14.3;

1 (xiv) promoting juvenile prostitution under
2 Section 11-14.4;

3 (xv) patronizing a prostitute under Section 11-18;
4 or

5 (xvi) patronizing a minor engaged in prostitution
6 under Section 11-18.1; or

7 (2) any offense involving sexual conduct or sexual
8 penetration, as defined by Section 11-0.1 of this Code in
9 which the DNA profile of the offender is obtained and
10 entered into a DNA database within 10 years after the
11 commission of the offense and ~~may be commenced at any~~
12 ~~time. Clause (2) of this subsection (a) applies if~~ either:
13 (i) the victim reported the offense to law enforcement
14 authorities within 3 years after the commission of the
15 offense unless a longer period for reporting the offense to
16 law enforcement authorities is provided in Section 3-6 or
17 (ii) the victim is murdered during the course of the
18 offense or within 2 years after the commission of the
19 offense.

20 (b) Unless the statute describing the offense provides
21 otherwise, or the period of limitation is extended by Section
22 3-6, a prosecution for any offense not designated in Subsection
23 (a) must be commenced within 3 years after the commission of
24 the offense if it is a felony, or within one year and 6 months
25 after its commission if it is a misdemeanor.

26 (Source: P.A. 98-265, eff. 1-1-14.)

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

2 Sec. 3-6. Extended limitations. The period within which a
3 prosecution must be commenced under the provisions of Section
4 3-5 or other applicable statute is extended under the following
5 conditions:

6 (a) A prosecution for theft involving a breach of a
7 fiduciary obligation to the aggrieved person may be commenced
8 as follows:

9 (1) If the aggrieved person is a minor or a person
10 under legal disability, then during the minority or legal
11 disability or within one year after the termination
12 thereof.

13 (2) In any other instance, within one year after the
14 discovery of the offense by an aggrieved person, or by a
15 person who has legal capacity to represent an aggrieved
16 person or has a legal duty to report the offense, and is
17 not himself or herself a party to the offense; or in the
18 absence of such discovery, within one year after the proper
19 prosecuting officer becomes aware of the offense. However,
20 in no such case is the period of limitation so extended
21 more than 3 years beyond the expiration of the period
22 otherwise applicable.

23 (b) A prosecution for any offense based upon misconduct in
24 office by a public officer or employee may be commenced within
25 one year after discovery of the offense by a person having a

1 legal duty to report such offense, or in the absence of such
2 discovery, within one year after the proper prosecuting officer
3 becomes aware of the offense. However, in no such case is the
4 period of limitation so extended more than 3 years beyond the
5 expiration of the period otherwise applicable.

6 (b-5) (Blank). ~~When the victim is under 18 years of age at~~
7 ~~the time of the offense, a prosecution for involuntary~~
8 ~~servitude, involuntary sexual servitude of a minor, or~~
9 ~~trafficking in persons and related offenses under Section 10-9~~
10 ~~of this Code may be commenced within one year of the victim~~
11 ~~attaining the age of 18 years. However, in no such case shall~~
12 ~~the time period for prosecution expire sooner than 3 years~~
13 ~~after the commission of the offense.~~

14 (c) (Blank).

15 (d) A prosecution for child pornography or ~~7~~ aggravated
16 child pornography, ~~indecent solicitation of a child,~~
17 ~~soliciting for a juvenile prostitute, juvenile pimping,~~
18 ~~exploitation of a child, or promoting juvenile prostitution~~
19 ~~except for keeping a place of juvenile prostitution may be~~
20 commenced within one year of the victim attaining the age of 18
21 years. However, in no such case shall the time period for
22 prosecution expire sooner than 3 years after the commission of
23 the offense. When the victim is under 18 years of age, a
24 prosecution for criminal sexual abuse may be commenced within
25 one year of the victim attaining the age of 18 years. However,
26 in no such case shall the time period for prosecution expire

1 sooner than 3 years after the commission of the offense.

2 (e) Except as otherwise provided in subdivision (j), a
3 prosecution for any offense involving sexual conduct or sexual
4 penetration, as defined in Section 11-0.1 of this Code, where
5 the defendant was within a professional or fiduciary
6 relationship or a purported professional or fiduciary
7 relationship with the victim at the time of the commission of
8 the offense may be commenced within one year after the
9 discovery of the offense by the victim.

10 (f) A prosecution for any offense set forth in Section 44
11 of the "Environmental Protection Act", approved June 29, 1970,
12 as amended, may be commenced within 5 years after the discovery
13 of such an offense by a person or agency having the legal duty
14 to report the offense or in the absence of such discovery,
15 within 5 years after the proper prosecuting officer becomes
16 aware of the offense.

17 (f-5) A prosecution for any offense set forth in Section
18 16-30 of this Code may be commenced within 5 years after the
19 discovery of the offense by the victim of that offense.

20 (g) (Blank).

21 (h) (Blank).

22 (i) Except as otherwise provided in subdivision (j), a
23 prosecution for criminal sexual assault, aggravated criminal
24 sexual assault, or aggravated criminal sexual abuse may be
25 commenced within 10 years of the commission of the offense if
26 the victim reported the offense to law enforcement authorities

1 within 3 years after the commission of the offense.

2 Nothing in this subdivision (i) shall be construed to
3 shorten a period within which a prosecution must be commenced
4 under any other provision of this Section.

5 (i-5) A prosecution for armed robbery, home invasion,
6 kidnapping, or aggravated kidnaping may be commenced within 10
7 years of the commission of the offense if it arises out of the
8 same course of conduct and meets the criteria under one of the
9 offenses in subsection (i) of this Section.

10 (j) (1) When the victim is under 18 years of age at the
11 time of the offense, a prosecution for criminal sexual assault,
12 aggravated criminal sexual assault, predatory criminal sexual
13 assault of a child, aggravated criminal sexual abuse, or felony
14 criminal sexual abuse may be commenced at any time when
15 corroborating physical evidence is available or an individual
16 who is required to report an alleged or suspected commission of
17 any of these offenses under the Abused and Neglected Child
18 Reporting Act fails to do so.

19 (2) In circumstances other than as described in paragraph
20 (1) of this subsection (j), when the victim is under 18 years
21 of age at the time of the offense, a prosecution for criminal
22 sexual assault, aggravated criminal sexual assault, predatory
23 criminal sexual assault of a child, aggravated criminal sexual
24 abuse, or felony criminal sexual abuse, or a prosecution for
25 failure of a person who is required to report an alleged or
26 suspected commission of any of these offenses under the Abused

1 and Neglected Child Reporting Act may be commenced within 20
2 years after the child victim attains 18 years of age.

3 (3) When the victim is under 18 years of age at the time of
4 the offense, a prosecution for misdemeanor criminal sexual
5 abuse may be commenced within 10 years after the child victim
6 attains 18 years of age.

7 (4) Nothing in this subdivision (j) shall be construed to
8 shorten a period within which a prosecution must be commenced
9 under any other provision of this Section.

10 (j-5) A prosecution for armed robbery, home invasion,
11 kidnapping, or aggravated kidnaping may be commenced at any
12 time if it arises out of the same course of conduct and meets
13 the criteria under one of the offenses in subsection (j) of
14 this Section.

15 (k) A prosecution for theft involving real property
16 exceeding \$100,000 in value under Section 16-1, identity theft
17 under subsection (a) of Section 16-30, aggravated identity
18 theft under subsection (b) of Section 16-30, or any offense set
19 forth in Article 16H or Section 17-10.6 may be commenced within
20 7 years of the last act committed in furtherance of the crime.

21 (l) A prosecution for any offense set forth in Section 26-4
22 of this Code may be commenced within one year after the
23 discovery of the offense by the victim of that offense.

24 (Source: P.A. 98-293, eff. 1-1-14; 98-379, eff. 1-1-14; 98-756,
25 eff. 7-16-14; 99-234, eff. 8-3-15.)